

Application No. 10/776,530
Amendment dated January 28, 2008
After Final Office Action of November 5, 2007

Docket No.: 4444-0136P

REMARKS

Claims 1-3, 5, 6, and 9-22 are now present in this application.

Claims 1, 2, 10, 16 and 20-22 have been amended, and claims 4, 7 and 8 have been cancelled without prejudice or disclaimer. Reconsideration of the application, as amended, is respectfully requested.

Amendments to the Claims

Limitations from claims 4, 7 and 8 have been incorporated into independent claim 1. Claims 20-22 have also been amended to address the rejection under 35 USC 101, i.e., the word "medium" have been removed and a statutory system is claimed. Other adaptive amendments to the claims have been made, and claims 2, 10 and 16 have been amended to address the 35 USC § 112 rejection. It is respectfully submitted that no new matter is present in the foregoing amendments.

Objection to the Specification

The specification stands objected to as not providing antecedent basis for the claimed subject matter. In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of any objection to the specification are respectfully requested.

Rejection under 35 USC 112

Claims 2, 10 and 16 stand rejected under 35 USC 112, second paragraph. This

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In view of the foregoing amendments, it is respectfully submitted that all claims particularly point out and distinctly claim the subject matter of the instant invention. Reconsideration and withdrawal of the 35 USC 112, second paragraph rejection are respectfully requested.

Double Patenting Rejection

Claims 1 stands provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over co-pending Application No. 10/845,218. Without conceding the appropriateness of the double-patenting rejection, but simply to expedite prosecution of this application, it is noted that a Terminal Disclaimer is attached hereto. Reconsideration and withdrawal of the provisional obviousness-type double patenting rejection are respectfully requested.

Rejection under 35 USC 101

Claims 20-22 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that the claims are directed to a computer readable editing system for audio/video, which is statutory subject matter. Accordingly, reconsideration and withdrawal of the 35 USC 101 rejection are respectfully requested.

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Rejection under 35 USC 103

Claims 1-5, 7, and 9-22 stand rejected under 35 USC 103 as being unpatentable over the Applicant's Admitted Prior Art, in view of Heo et al., U.S. Publication 2004/0138873, and further in view of Gang et al., U.S. Publication 2003/0089218. This rejection is respectfully traversed.

Applicants gratefully acknowledge that the Examiner considers claims 6 and 8 to contain allowable subject matter.

Without conceding the appropriateness of the Examiner's rejection, but simply to expedite prosecution of this application, it is noted that limitations from objected to but allowable claim 8, as well as intervening claims 4 and 7, have been incorporated into independent claim 1. Accordingly, independent claim 1 should now be in condition for allowance.

Also, without conceding the appropriateness of the Examiner's rejection, but simply to expedite prosecution of this application, it is noted that limitations from objected to but allowable claim 6, have been incorporated into independent claim 9. Accordingly, independent claim 9 should now be in condition for allowance.

With regard to independent claim 15 of the present application, this claim sets forth, "weights indicating qualities, importance, or preference of said visual data." Through this weighting calculation, the situation of software/hardware and users' wills/preferences are both taken in the system. Gang provides a different weighting method. As discussed in paragraph [0064] of Gang, a matrix of pseudo-distances and a vector of ratings of some of the songs are given, where the factor r is weighted by a quantity. One skilled in the art should understand that

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factor r is different from the qualities, importance, or preference of the present invention. In other words, Gang does not teach or suggest weighting included users' wills and/or preferences, as is set forth in independent claim 15. This claim 15 also recites "finding, within a searching window, a value corresponding to the audio descriptors on the audio data." It is respectfully submitted that neither the Applicant's Admitted Prior Art, Heo and Gang fail to teach or suggest this feature, either alone or in combination.

Claims 20 and 21 recite similar limitations to those found in independent claim 15. Accordingly, these claims should be allowable for the same reasons as noted above.

In view of the foregoing reasons, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the system and method of independent claims, as well as their dependent claims. Accordingly, reconsideration and withdraw of the 35 USC 103 rejection are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

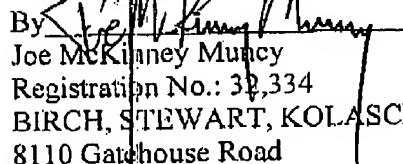
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 28, 2008

Respectfully submitted

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